3. The OPS File Check-Out Log Contained a Six Month Gap.

The OIC also examined a log book in which OPS kept track of background reports that were taken out of the OPS office. In July 1993, OPS Administrative Assistant Mari Anderson, after a discussion with OPS Director Craig Livingstone, created the log book to keep track of any file that was removed from the OPS office.[54] The OIC examined the log to determine whether background reports had been improperly removed from OPS, the identities of those individuals who might have removed them, and the dates on which they might have been removed and returned.[55] An examination of the log book showed that there were no entries in the log between March 29 and September 20, 1994 -- well after the conclusion of Mr. Marceca's detail to OPS.

Although this gap may reflect a failure to use the log, it is inconclusive as evidence that reports were taken out of OPS for improper purposes. Mr. Marceca never used the log, and anyone who wanted to take reports out of OPS did not need to use the log. If a person did not use the log, there would be no record of the removal of a report. Therefore, the gap does not prove that reports were taken out; it only suggests that there were lax procedures in allowing the removal of OPS files.

---

[54] Anderson 11/21/96 GJ at 105-06.

[55] See Saunders 9/24/96 SJC Int. at 7-8; Wetzl 11/21/96 GJ at 60; Anderson 11/21/96 GJ at 103.